

UNITED STATES DISTRICT COURT

for the
District of Arizona

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10/20/17*

United States of America)
v.)
Armando Barraza-Cruz,) Case No. 17-446 MJ
a.k.a.: Justino Barraza-Vega,)
a.k.a.: Armando Alfredo Barraza-Cruz,)
(A098 437 991))
Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 9, 2015, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Armando Barraza-Cruz, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about August 29, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jacqueline Schesnol

Continued on the attached sheet.

Valery Lozano

Complainant's signature

Valery Lozano,
Deportation Officer

Printed name and title

M. Burns

Judge's signature

Sworn to before me and signed in my presence.

Date: October 23, 2017

City and state: Phoenix, Arizona

Michelle H. Burns,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Valery Lozano, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 9, 2015, Armando Barraza-Cruz was arrested by the Maricopa County Sheriff's Office and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Serrano-Vargas was examined by ICE Officer J. Collazo who determined Barraza-Cruz to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On October 20, 2017, Barraza-Cruz was released from the Arizona Department of Corrections and transported to the Phoenix ICE office for further investigation and processing. Barraza-Cruz was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Armando Barraza-Cruz to be a citizen of Mexico and a previously deported criminal alien. Barraza-Cruz was removed from the United States to Mexico at or near Calexico, California, on or about August 29, 2012, pursuant to the reinstatement of an order of removal issued by a designated Immigration official. There is no record of Barraza-Cruz in any Department of

Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Barraza-Cruz's immigration history was matched to him by electronic fingerprint comparison.

4. On October 20, 2017, Armando Barraza-Cruz was advised of his constitutional rights. Barraza-Cruz freely and willingly acknowledged his rights and agreed to provide a statement under oath. Barraza-Cruz stated that his true and complete name is Armando Barraza-Cruz and that he is a citizen of Mexico. Barraza-Cruz stated that he illegally entered the United States on an unknown date in 2015, through Sonoita. Barraza-Cruz further stated that he had been removed from the United States to Mexico and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.

5. For these reasons, this affiant submits that there is probable cause to believe that on or about August 9, 2015, Armando Barraza-Cruz, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States

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at or near Calexico, California, on or about August 29, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).


Valery Lozano,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 23rd day of October, 2017.


Michelle H. Burns,
United States Magistrate Judge